

**REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for courtesies extended during the in-person Examiner Interview conducted on August 26, 2005.

**Disposition of Claims**

Claims 4-20 and 30-33 are pending in this application. Claims 30, 31, 34, and 35 are independent. The remaining claims depend, directly or indirectly, from claims 30 and 31. Claim 2 has been cancelled by this reply without prejudice of disclaimer.

**Claim Amendments**

Claims 30, 31, 34, and 35 have been amended to clarify the present invention as recited. Specifically, as discussed during the in-person Examiner Interview on August 26, 2005, claims 30, 31, 34, and 35 have been amended to recite three distinct keys (*i.e.*, the control word contained in the transmitted digital data, the recording encryption key, and the recording transport key). No new matter is added by way of these amendments. Support for these amendments may be found, for example, on page 3, lines 10-15 of the instant specification and in originally presented (and now cancelled) claim 2.

**Rejections under 35 U.S.C. § 102**

Claims 2, 4-10, 12, 14-18, and 30-33 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,178,242 ("Tsuria"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

The invention, as recited in the claims, is directed to encrypting scrambled digital data, including a control word (CW) with recording encryption key (REK). The REK itself is subsequently encrypted using a recording transport key (RTK). Both the encrypted REK and the encrypted scrambled digital data including a CW are then stored on a recording medium. The CW contained in the encrypted scrambled digital data is used to descramble the scrambled digital data once the scrambled digital data has been decrypted using the REK.

Turning to the rejection, for anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. The Applicant respectfully asserts that Tsuria does not disclose or suggest *three* distinct keys as required by the amended independent claims.

Specifically, as discussed during the Examiner Interview of August 26, 2005, Tsuria discloses an EMM containing a control word encrypted using an ECM key. The control word in Tsuria is subsequently used to encrypt scrambled digital data segments corresponding to the ECM which contains the CW. Thus, it is clear that Tsuria only discloses two keys, namely, a CW and an ECM key.

However, Tsuria is completely silent with respect a system including *three* distinct keys (*i.e.*, a CW, a REK, and a RTK). In fact, Tsuria is completely silent with respect to encrypting the ECM key or any key capable of performing such a function. Further, even assuming *arguendo* that Tsuria teaches encrypting the ECM, there is no teaching or suggestion of transporting the encrypted CW along with an encrypted ECM on a *single* recording medium.

In view of the above, it is clear that Tsuria fails to disclose or suggest each and every limitation of amended independent claim 30. Dependent claims 4-20 are patentable for at least the same reasons. Further, independent claims 31, 34, and 35 have been amended to include similar allowable subject matter and, thus, are patentable over Tsuria for at least the same

reasons as claim 30. Dependent claims 32 and 33, which depend from independent claim 31, are patentable for at least the same reasons as amended independent claim 31. Withdrawal of this rejection is respectfully requested.

### **Rejections under 35 U.S.C. § 103**

Claims 11, 13, 19, and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria in view of European Patent No. 714,204 ("Park"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

Claims 11, 13, 19 and 20 depend, directly or indirectly, on independent claim 30. As described above, Tsuria fails to disclose or suggest the limitations of amended claim 30. Further, Park does not disclose or suggest that which Tsuria lacks.

Specifically, Park is relied upon to teach "a recording means configured to directly descramble transmitted information using the transmission access keys prior to re-encryption of the information by the recording encryption key and storage on the support medium." (See Office Action mailed July 28, 2005, page 8). However, Park is completely silent with respect to system that uses *three* distinct keys to secure transmitted digital data. Moreover, because Park fails to teach or suggest a system that includes *three* distinct key, it follows that Park cannot possibly disclose or suggest storing the encrypted digital data comprising the CW and the encrypted recording encrypted key on the same recording medium.

In view of the above, it is clear that independent claim 30 is patentable over Tsuria and Park, whether considered separately or in combination. Dependent claims 11, 13, 19, and 20 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345.023001).

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Respectfully submitted,

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